



POLICE DEPARTMENT, COUNTY OF SUFFOLK, NEW YORK

ACCREDITED LAW ENFORCEMENT AGENCY

ADVICE OF RIGHTS

PDCS-1164b

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CENTRAL COMPLAINT NUMBER 16-502609

YOU MUST UNDERSTAND YOUR RIGHTS BEFORE BEING ASKED ANY QUESTIONS

YOUR RIGHTS

1. You have the right to remain silent. GMSG  
(INITIALS OF DEFENDANT)
2. Anything you say can and will be used against you in a court of law. GMSG  
(INITIALS OF DEFENDANT)
3. You have the right to talk to a lawyer, right now, and have him present with you while you are being questioned. GMSG  
(INITIALS OF DEFENDANT)
4. If you cannot afford a lawyer and want one, a lawyer will be appointed for you by the court before any questioning. If you decide to answer questions now, without a lawyer present, you will have the right to stop the questioning at any time until you talk to a lawyer. GMSG  
(INITIALS OF DEFENDANT)

WAIVER OF RIGHTS

1. Do you understand each of these rights I have explained to you?

Answer: SI  
(USE EXACT WORDS OF DEFENDANT)

2. Having these rights in mind, do you wish to talk to me/us now?

Answer: SI  
(USE EXACT WORDS OF DEFENDANT)

Gerson Mauricio Sarmiento Gomez  
SIGNATURE OF DEFENDANT

DATE: 8/26/16

TIME: 2000 HRS.

WITNESS: Keo J. O'Donoghue 13501310112  
Police Officer's Signature

Sworn to before  
me this 26<sup>th</sup>  
day of August 2016

Robert Suppa  
Notary Public, State of New York  
No: 018U6156888  
Qualified in Suffolk County  
Commission Expires 12/4/2018

alt sup

STATE OF NEW YORK  
COUNTY OF SUFFOLK

1. Gerson Mauricio Sarmiento Gomez (being duly sworn deposes and) say(s):

I am [redacted], born [redacted] in San Miguel, El Salvador. I came to the U.S. in 2015 and live with my mother [redacted] and my brother [redacted].

In September of 2015, I started attending Bellport High School. There were some hispanic kids in the school but mostly black kids. I met a couple of guys from El Salvador and we became friends, but there were other hispanic kids in the school that hung out

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STATE OF NEW YORK

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with the black kids that we didn't like.  
One guy that went to the school was named [redacted]. [redacted] was born here but was Salvadoran. [redacted] hung out with the black kids and was always looking to start a fight with me every time he saw me in the street. I tried to walk away every time.

In the beginning of August, <sup>from</sup> my friend [redacted] and I were walking out of Summer School on a Wednesday. [redacted] and another guy named [redacted] started telling us that they were going to tell the black guys to jump us. As we walked away, [redacted] came up behind us and started punching [redacted] on the left side of his face. I didn't want to get in trouble so we didn't do anything. [redacted]'s cousin had also come over to the fight, his name is [redacted]. The three of us walked away.

[redacted] was always trying to jump me.  
On Friday, Aug. 19, 2016 I went out with my friend to the store. While walking to the store we saw a bunch of cardboard boxes in front of a house. I think the house was an Post next to the boxes we saw a machete on the grass and I picked it up. I carried it with me to the deli.

POCS-7129

Gerson MSG 8/26/16

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Subpoena to Defend me  
Filed 26<sup>th</sup> Day of August  
2016  
ADA 1

Notary Public, State of New York  
Robert F. Stapp  
No. 01SU6136988  
Qualified in Suffolk County  
Commission Expires 2/4/2017



01/20/16

STATEMENT OF Gerson M S C

POLICE DEPARTMENT  
COUNTY OF SUFFOLK, N.Y.

16-502609

When we arrived at the Deli, we went in and bought some Popusas and juices to eat and drink. I had left the machete outside when we went into the Deli. After we were finished eating we started to walk into a forest that is by Patchogue Ave and Bellport Ave. I had the machete with me. As we walked into the forest, [REDACTED] and [REDACTED] came out of the darkness and tried to jump me and my friend. It was very dark and I just started swinging the machete at them. I thought they had a knife so I just swung the machete at them and hit them with it. We ran out of the woods and I threw the machete in a sewer near the forest.

I am giving this statement to Det. Philip Alvarez at the 5th Pct. in Patchogue. I have given the statement in Spanish and Det. Alvarez has written it in English. He did not threaten or make any promises to me and I swear this is the truth.

Gerson M S C 8/20/16

Sworn to before me

this 26<sup>th</sup> Day of

August 2016

*Robert Suppa*Robert Suppa  
Notary Public, State of New York  
No: 01506156288  
Qualified in Suffolk County  
Commission Expires 12/4/2017